



June 27, 2019

Regional Freedom of Information Officer
U.S. EPA, Region 1 (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
(617) 918-1102

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, and section 104(e)(7)(A) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e)(7)(A),¹ I am requesting copies and/or access to records held at EPA's Region 1 office. Records of interest include responses to requests filed under section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly referred to as Superfund) and other documents created by and/or submitted to the EPA during Superfund investigations and any resulting litigation and settlements.

I am requesting release and/or access to a number of specific documents held at Region 1 concerning parties involved in the Shpack Landfill Superfund Site in Norton/North Attleboro, Massachusetts (<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0100655&doc=Y&colid=34072@ion=01&type=SC>).

Requested Documents

We request the 104(e) response from Teknor Apex as other submitted materials including, but not limited to, related underlying documents for any settlement, state waste manifests, and statements about the composition of Teknor Apex's wastes and the degree to which this included drums. The requested documents may include shipping documents and other documents discussing the composition of the wastes disposed and the processes which created these wastes.

We also request responses concerning Teknor Apex filed under other federal statutes such as the Toxic Substances Control Act (TSCA) or the Resource Conservation and Recovery Act (RCRA), sometimes used by EPA in the late 1970s and early 1980s to assist in Superfund site investigations.

Documents pertaining to Teknor Apex may also have been filed under the following names, which we would also be interested in obtaining:

¹ The relevant statutory text provides that: "Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, [except for trade secrecy claims]. Trade secrecy claims are restricted by section 104(e)(7)(F).

- Thompson Chemical Company
- Thompson Apex Company
- Continental Oil Company

We also request a full list of other companies that submitted 104(e) responses related to this site.

Site Background Information

Our understanding is that this landfill accepted wastes from the 1940s to the 1970s, and includes Teknor Apex as a settling party.

Request Information

History Associates requests the release of the above materials pursuant to FOIA and pursuant to section 104(e)(7)(A) of CERCLA. To the extent EPA decides to withhold any document(s), we ask that all reasonably segregable factual portions of these documents be released, consistent with FOIA practice. We also ask that if any materials are withheld or redacted, we be provided an index showing the basis under FOIA for each such redaction or withholding. We also note that most materials submitted to EPA under section 104(e) of CERCLA are required to be made available to the public, and that claims of trade secrecy are severely limited by section 104(e)(7).

History Associates agrees to pay all reasonable and standard processing fees authorized by 5 U.S.C. 552(a)(4)(A) and the applicable regulations up to \$250. Should the fees exceed this amount, please call me with an estimate of the total costs in order that specific expenditures beyond \$250 can be authorized.

Should you have any questions or concerns regarding this request, please contact me at (301) 279-9697 or via email at hbergen@historyassociates.com.

Sincerely,

Hilary Bergen